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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,318	10/15/2003	Frederick Abbott Ware	RAMB-01042US1	8264
28554	7590	08/17/2004	EXAMINER	
VIERRA MAGEN MARCUS HARMON & DENIRO LLP 685 MARKET STREET, SUITE 540 SAN FRANCISCO, CA 94105			NGUYEN, HIEP T	
			ART UNIT	PAPER NUMBER
			2187	

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/686,318

Applicant(s)

WARE ET AL.

Examiner

Hiep T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 54-99 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 54-99 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

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- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/19/04 & 6/14/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is a response to the preliminary amendment filed January 20, 2004. claims 1-53 have been canceled by the Applicant. Newly added claims 54-99 are pending in the application.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 54-99 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-39 of U.S. Patent No. 6,496,897. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following:
 - a. Claim 1 of the patent represent for the set of the patented claims 1-39 teaches a method of operation in a semiconductor memory device as claimed in the instant claim 54 , wherein the memory device received an external clock signal and includes an array of memory cells, receiving a first mask bit and second mask bit in succession during a clock cycle of the external clock signal using a pin on the memory device, wherein the first mask bit indicates whether to write the first data value to the array during a memory write operation and the second mask bit indicates whether to write the second data value to the memory array during the memory write operation.

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- b. However, the patent claim 1 does not teaches the steps of receiving information that specifies that the memory device perform a memory operation, in response to the information, receiving a first data value after a time gap, receiving a second data after receiving the first data value, wherein the he first and second data values are received using a set of pins, as claimed in the instant claim 54.
 - c. One having ordinary skill in the art who is familiar with a semiconductor memory write operation, looks at the teaching of the patented claim 1, would readily recognize that the two steps of receiving are clearly directed to portion a write operation. Obviously, a semiconductor memory write operation necessarily includes the operation of receiving a write request including the data to be written into the memory. Sequentially receiving write data has also been commonly practice in the pertinent art since the number of pins for receiving write data is limited.
 - d. Accordingly, it would have been obvious to one having ordinary skill in pertinent art to further include the steps of receiving information that specifies that the memory device perform a memory operation, in response to the information, receiving a first data value after a time gap, receiving a second data after receiving the first data value, wherein the first and second data values are received using a set of pins in the method of patented claim so as to further define a write operation to a semiconductor memory device.
4. Claims 54-99 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-39 of U.S. Patent No. 6,668,128. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following:
- a. Claim 1 of the patent represent for the set of patented claims 1-39 teaches [either explicitly or implicitly] each and every claimed limitations of the instant claim 54. As in *Re Berg*, 140F.3d at 1437, 46 USPQ2d at 1233, a later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious, or

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anticipated by the earlier claim. Claim 54 of the instant application therefore is not patentably distinct from earlier patent claim 1 and as such is unpatentable for obvious-type double patenting.

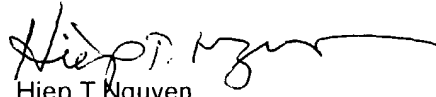
5. Claims 54-99 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-36 of U.S. Patent No. 6,493,789.

Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following:

- a. Similarly to the patent no. 6,681,288, the patented claim 1 of the patent no. 6,493,789 represent for the set for claims 1-36 teaches each of the claimed limitation in the instant claim 54. Again, Claim 54 of the instant application therefore is not patentably distinct from earlier patent claim 1 and as such is unpatentable for obvious-type double patenting.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hiep T Nguyen whose telephone number is (703) 305-3822. The examiner can normally be reached on Monday-Friday from 9:30 a.m. to 6:00 p.m.
7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (703) 308-1756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Hiep T Nguyen
Primary Examiner
Art Unit 2187

HTN

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